



# City of Carmel

## CARMEL PLAN COMMISSION

December 20, 2005

Minutes

The regularly scheduled meeting of the Carmel Plan Commission met in the Council Chambers of Carmel City Hall at 6:00 PM on December 20, 2005. The meeting opened with the Pledge of Allegiance.

Members present: Jerry Chomanczuk, Leo Dierckman, Wayne Haney, Kevin Heber, Dianna Knoll, Mark Rattermann, Rick Ripma, Steve Stromquist, Madeleine Torres, and Susan Westermeier.

Department of Community Services members present: Mike Hollibaugh, Director; Matt Griffin, Adrienne Keeling and Christine Holmes, Planning Staff. John Molitor, Legal Counsel, was also present.

The minutes from the November 15, 2005 meeting were approved as submitted.

Matt Griffin announced that item 2h., Gateway Pavilion has been continued.

Adrienne Keeling announced that the annual Training Session for Plan Commission members, BZA Board, etc., will be held February 4, 2006 at the Village of WestClay Meeting House. Details will be published at a later date.

Leo Dierckman publicly acknowledged Dianna Knoll's service on the Commission for the last four years.

### **H. Public Hearings:**

#### **1h. Docket No. 05080011 DP/ADLS: Meridian Corporate Plaza**

The applicant seeks approval for the site plan and buildings. The site is located at 401 Pennsylvania Pkwy and is zoned B-5 & B-6/Business within the US 31 Overlay. Filed by Fred Simmons of Simmons Architects, LLC for MCP Partners, LLC.

Steve Granner, Zoning Consultant with Bose McKinney & Evans, 600 East 96<sup>th</sup> Street, appeared before the Commission representing the applicant. Also present were Taggart Birge, Lauth Properties, and Fred Simmons, architect.

This item was noticed inadequately in September and was not known until after the petitioner had

gone through Special Study Committee review and the approval process. This item was re-noticed for the meeting this evening. In the interim, meetings have been held with two of the neighbors.

Presently, there is earth-work being done on the site, but nothing that requires a building permit at this time.

Fred Simmons, architect then gave a brief overview of the development. The proposal is for the construction of two, identical four-story buildings to the west and to the east of the existing Lauth Headquarters located immediately west of College Avenue and immediately north of I-465. Each building contains approximately 139,000 square feet; the architectural style and character is in keeping with the corridor using glass curtain wall and architectural pre-cast.

Members of the public were invited to speak in favor of the petition; no one appeared.

Members of the public were invited to speak in opposition to the petition; the following appeared:

Organized Remonstrance:

**Larry Wesner**, 525 East 102<sup>nd</sup> Street, Indianapolis 46280, Treasurer of North Ridge Neighborhood Association, stated that the neighbors had met with the Lauth Group in November and there were several issues of concern. One issue is the landscape mound and the neighbors would like some assurance that Lauth will continue to keep and maintain the trees, shrubs, and plantings that continue to separate the neighborhood from the project. Lighting is currently a subdued-type of lighting and the neighbors would like the same type of lighting on the outside of the buildings—no bright lights or spotlights to highlight the building. Traffic is a concern—with the additional buildings, the roadway may not accommodate the vehicles in the afternoon rush hour, beginning 4:30 PM. The real problem is 103<sup>rd</sup> and Meridian. Signage: Currently there is a sign that faces north toward the 4 North Ridge Neighborhood. The neighbors are requesting that signage not be placed on the new buildings that would face North Ridge Neighborhood. The neighbors are also requesting some type of noise management.

**Keith Quagmore**, 10115 North Central Avenue, Indianapolis 46280, was particularly concerned with the mounding—from the North Ridge side, it needs work. Mr. Quagmore asked that someone from Lauth walk the mound with him—there is a lot of erosion that needs to be addressed.

**John Audritsch**, one block north of the project on Central Avenue, agreed with the previous speakers and expressed concern with the Trees. Also, construction traffic at the entrance to North Ridge at either end of 102<sup>nd</sup> Street, 103<sup>rd</sup> Street, and the east end of 102<sup>nd</sup> Street. The project looks good and is supported by the neighbors, and the neighbors would like to continue the on-going relationship.

Rebuttal: Taggart Birge, Lauth Properties, 401 Pennsylvania Parkway said he appreciated the favorable comments from the neighbors. Regarding the trees, Lauth recently took over the owners association for Bremner and will be doing an inventory of the trees. The petitioner intends to fully comply with the intent of Trammel Crowe's agreement and tree maintenance is a part of that on-

going agreement. Regarding the traffic, Lauth has no plans to improve College Avenue. Lauth has been working with Mayor Brainard on the “square-about” and widening from 103<sup>rd</sup> to 106<sup>th</sup> Street. The improvements were to have started this year, but that has not happened. There are on-going negotiations with the Mayor to create a “TIF” and the petitioner would like the “square-about” to be improved and this will hopefully be done in 2006.

Regarding the lighting of the buildings, the petitioner is complying with the ADLS and those requirements are consistent with the concerns of the neighbors. Taggart Birge said he would talk with Doug Fisher regarding the “No Construction” signs.

Department Comments, Matt Griffin: Most all comments were addressed at the Committee level. The Department is willing to work with the petitioner on a tree inventory and “restoration” plan of existing landscaping materials that might need attention. The applicant has provided an existing, tree inventory, but it is recommended that the applicant work with Scott Brewer, Urban Forester, when replacing plant material to ensure compliance with permitted species. Outside of items addressed this evening, there are no outstanding issues and the Department is recommending approval at this time.

Jerry Chomanczuk reported for the Special Studies Committee that had reviewed this item. The review included lighting and parking and hearing the concerns of the local residents, perhaps some of the issues should be revisited. This project should be subject to the Urban Forester’s review.

Note: Taggart Birge stated that the mound is not owned by Lauth, but by virtue of the fact that they do control the association, they have more latitude to control the issue. Lauth will do a tree inventory and replace landscaping pursuant to the ADLS requirements and the Urban Forester’s ultimate approval.

Mark Rattermann moved for approval of **Docket No. 05080011 DP/ADLS, Meridian Corporate Plaza, SUBJECT TO** approval by the Urban Forester of the landscape plan and trees on the mound and review by the Department of the photometric plan and commitments as stated by the petitioner seconded by Jerry Chomanczuk, **APPROVED** 10-0.

**2H. Docket No. 05100004 PP: Gateway Pavilion (Center Pointe Crossing)**

The applicant seeks plat approval for a commercial subdivision.

The site is located at the southwest corner of Bennett Pkwy & US 421 and is zoned B-3/Business within the US 421 Overlay.

Filed by Jim Shinaver of Nelson & Frankenberger for Heritage RDG, LLC.

**TABLED TO JANUARY 2006**

**3H. Docket No. 05100035 PP: Sanders Plat**

The applicant seeks to plat 1 lot on 1.203 acres.

The site is located at 9930 Towne Road and is zoned S1

Filed by Harry Sanders.

John Talbott, Drees Homes appeared before the Commission representing the applicant. Also present were Harry and Mary Sanders, property owners.

The applicant is seeking approval to plat a single lot consisting of 1.203 acres from an eight-acre estate owned by Mr. Sanders' father located north of 96<sup>th</sup> Street on Towne Road. The lot will be served by Clay West sanitary sewer and well, and no issues have been raised by the neighbors regarding this proposal. Mr. Sanders will preserve the trees on site as best as possible, particularly in screening the neighbor to the south.

The petitioner is in agreement with the Department as far as either constructing or providing funds for the construction of a 130 foot long, 10 foot wide path. The petitioner is requesting that this item be voted on this evening and not forwarded for Committee review.

Members of the public were invited to speak in favor of or opposition to this petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin: As proposed, this proposal does meet the Ordinances and there are no outstanding issues. The construction of the path or providing funds for the construction of the path was the only outstanding concern. If there are no issues or concerns, the Department is recommending a suspension of the Rules of Procedure and approval this evening.

Mark Rattermann asked about dedication of right-of-way.

Matt Griffin confirmed that right-of-way was dedicated at the secondary plat stage. The property is off Town Road, there are no interior streets, no access issues—just a straight curb cut. The streets are county jurisdiction.

In response to questions from Rick Ripma, Matt Griffin stated that there is an Alternative Transportation Plan Fund that holds money in escrow to be used for paths, etc.

Mark Rattermann made formal motion to suspend the Rules of Procedure in order to vote on this item this evening, seconded by Rick Ripma, approved 10-0.

Mark Rattermann made formal motion to approve **Docket No. 05100035 PP, Sanders Plat**, seconded by Rick Ripma, **APPROVED** 10-0.

4H. **Docket No. 05100038: Clarian North Expansion**

The applicant seeks to create 1 medical office building, as an addition to the existing Clarian North facility, on 57.950 acres.

The site is located at 11700 North Meridian Street and is zoned PUD (US 31 Overlay District).

Filed by Joseph Scimia of Baker & Daniels for Clarian Health Partners, Inc.

Joe Scima, attorney with Baker & Daniels, appeared before the Commission representing the applicant. The proposal is for one medical office building as an addition to the existing Clarian

North facility. The office building will be located entirely east of Illinois Street and affects only a portion of the project. The office building will consist of 133,000 square feet, five stories plus a mechanical screen wall that is just under 90 feet. Upon build-out, structured parking will be required; however, it is not needed at this time. The requirements of the 133,000 square foot medical office building are to provide 532 additional parking spaces. At this time, 167 existing spaces are being displaced with the new building, and a total of 699 spaces will be needed—705 are being provided by the proposed plan.

The structure will be consistent with the existing structure and will consist of Indiana limestone and the same brick veneer seen on the current facility as well as the same metal coping and glass structure. The office building will be obstructed somewhat by the utility plant; however, in the long-term plan, a courtyard will be formed.

The Department Report identifies some minor issues: the connectivity of the parking lot to the existing path that runs the entire length of the facility; and the species used in some of the existing landscaping plan and not using them in the proposed expansion.

There will only be one wall sign—it will be “Medical Office Building” and will face Illinois Street. The bulk of the remaining sign will be informational and directional as currently used at the facility.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin: The Department is recommending this item be sent to the Special Studies Committee and that the applicant bring those items listed in the Staff Report.

Jerry Chomanczuk asked about the signage and noted one sign as being the street address. If there are several street addresses at this location, the petitioner may want to consider repeating the street address as frequently as possible.

Leo Dierckman suggested that additional landscaping be utilized around the power plant facility—it somewhat “sticks out” and hopefully can blend in a little better.

Jerry Chomanczuk asked about connectivity between the second building and the first building.

Joe Scimia responded that there would be full connectivity in the form of bridges at certain levels. However, the medical office building will be primarily physician practices and it is not anticipated that people would use this as a cut-through. There is direct connectivity at this phase and all future phases.

**Docket No. 05100038, Clarian North Expansion** was referred to the Special Studies Committee for further review on January 3, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

Note: Petitioner is to appear at Committee with those items listed in the Department Report.

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**5h. Docket No. 05110020 DP/ADLS: Old Meridian Place**

The applicant seeks to create 129 townhomes on 12 acres.

The site is located at 12852 Old Meridian Street and is zoned OM/SFA.

Filed by Jon Isaacs for Centex Homes.

Larry Kemper, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Jon Isaacs, Centex Homes was also in attendance.

The property is located at 12852 Old Meridian Street; the western portion is zoned single family attached, the entire real estate is subject to the Old Meridian Overlay Zone. The real estate is also located within the central core as identified by the Carmel Urban Design Initiative. Centex is proposing a mix of uses for the real estate including townhomes: retail, office and condominium. The development will be known as Old Meridian Place. The Centex proposal creates visual interest as well as being pedestrian friendly—it promotes permeability.

Larry Kemper noted that a portion of this site will require a rezone from single family attached to mixed use.

The development will be known as Old Meridian Place and will contain approximately 135 townhomes units, 26 two-story townhomes over retail, 60 units of three-story condominiums over parking, and 10 townhome units over parking in a workout area resulting in 231 residential units. The development will also include 55,000 square feet of retail space and approximately 22,000 square feet of second floor office space.

There are three proposed entrances to the site: one off of 131<sup>st</sup> Street, one on Old Meridian on the northern portion of the site, and one on Old Meridian on the southern portion of the site. Buildings 4A and 4B will be three-story condominiums over parking. There is a one-story retail portion to the building located nearest the intersection of 131<sup>st</sup> Street and Old Meridian. Buildings 1 and 3 located on Old Meridian will consist of two-story townhomes over retail on the first floor. Buildings 2 and 5 are two-story buildings and the second floor will consist of office space over retail on the first floor.

The townhome portion is located on the western portion of the site. The type of townhome being constructed on this site is the Georgian-style architecture. The front elevation of the townhomes will be facing public streets. Another unique aspect of the site plan is the fact that it contains underground retention and green space will be freed up. Another building on the site contains two stories with townhomes on the top floor; the bottom floor would be half parking and half recreation facility available for the use of the residents.

The petitioner met with the neighbors on December 14 and it was felt to be a productive meeting.

The Centex, Old Meridian Place will feature a mix of uses that will further compliment Carmel's plans for the Old Meridian area and not only further the objectives and intent of Carmel but provide a seamless transition between the mixed uses along Old Meridian corridor and the residential areas

to the west.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin: The Department is continuing to work with the petitioner to resolve some outstanding issues. The petitioner is to bring to Committee those items listed in the Department Report. At this time, the Department is recommending this item be forwarded to the Special Studies Committee on January 3<sup>rd</sup>.

Leo Dierckman requested an explanation as to how the underground retention works and the petitioner offered a brief explanation as to underground piping that acts as a storage facility for the water. This will be gone into further detail at Committee.

Jerry Chomanczuk asked about the amount of visitor parking and a seeming lack of amenities, other than a clubhouse and pond. Jerry also referred to the Department Report and statement from the Staff as to the monotony of the buildings.

Matt Griffin said that a lot of the townhome projects look similar and the Department is looking for more definition and something more unique with this development if there is an opportunity to do so.

Rick Ripma agreed with the Department and asked the petitioner to look at buildings 4B and 4A.

It was determined that the information booklets do not adequately reflect the changes made by the petitioner and do not correctly illustrate the project; new, revised booklets will be distributed by the petitioner.

**Docket No. 05110020 DP/ADLS, Old Meridian Place** was referred to **the Special Studies Committee** for further review on January 3, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

**6H. Docket No. 05110031 CA: West Carmel Marketplace**

The applicant seeks approval of a commitment amendment to allow logo colors for logos, and to allow signage to face 99th street.

The site is located SE of 99th/Michigan Rd and is zoned B3, B2 and is within the US 421 overlay.

Filed by Mary Solada of Bingham McHale for Duke Construction

Mary Solada, attorney with Bingham McHale, 2700 Market Tower, Indianapolis appeared before the Commission representing the applicant. Also in attendance: Rodney Rhinehart, Duke Construction

The petitioner is seeking to amend commitments made regarding the West Carmel Marketplace that was initially approved by the Commission in late 2004. Specifically referred to is the Best Buy facility which has already received BZA and ADLS approval.

The petitioner would like to amend the commitment to permit signage on 99<sup>th</sup> Street—previously prohibited. The thought is that once 99<sup>th</sup> Street is open, there will be substantial traffic extending south to 96<sup>th</sup> Street and the south side of the building will function as a second front door and signage is needed for the south side of the building.

The second request for commitment amendment is for logo colors, initially approved for white, blue, green and bronze. If the color is part of a logo, additional colors are requested beyond the four colors approved.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin: The signage referred to has been before the BZA as well as Special Studies Committee and has received approval from both bodies. Basically, the commitment amendment makes it possible to install the sign. Somewhat after the fact, the Commitment Amendment would need to be approved prior to the installation of signage approved by the BZA and Special Studies Committee. The Department is recommending approval at this time.

Rick Ripma moved for approval of **Docket No. 05110031 CA, West Carmel Marketplace**, seconded by Mark Rattermann and **APPROVED** 10-0.

**7H. Docket No. 05120002 OA: Patch VI – Ordinance Amendment**

The applicant seeks to Amend Chapter 6: Standards of Design and Chapter 9: Plat Certificates, Deed of Dedication of the Carmel Subdivision Control Ordinance.

The applicant seeks to Amend Chapter 3: Definitions; Chapter 5: S-1/Residence District; Chapter 23C: US Highway 421 – Michigan Road Corridor Overlay Zone; Chapter 23F: Carmel Drive - Range Line Road Overlay Zone; Chapter 25:

Additional Use Regulations; Chapter 25.07: Sign Ordinance and Appendix A: Schedule of Uses of the Carmel Zoning Ordinance.

Filed by the Carmel Department of Community Services.

Adrienne Keeling, Carmel Department of Community Services appeared before the Commission representing the applicant. Language is being added to Chapter 6 of the Subdivision Control Ordinance regarding gates and private streets. Chapter 9 of the Subdivision Control Ordinance is being amended to correct certificates that appear on plats—minor changes.

Upon request of the Legal Department, definitions have been added to Chapter 3 of the Zoning Ordinance for permanent and temporary signs. Also in Chapter 3, language is confirming the fact that projecting signs would be allowed in the Carmel Drive/Range Line Road Overlay; they are currently allowed only in the Old Town Overlay.

In Chapter 5, S-1 District, the Department is proposing to remove the mineral extraction language from that section. Chapter 23-C is the SR 421 Michigan Road corridor Overlay—the Department is proposing the following changes. One change is from retail uses to 50% of a project's gross floor area on projects north of 106<sup>th</sup> Street. The second change is to limit the gross floor area of a new



building to 85,000 square feet.

Chapter 23F, Carmel Drive/Range Line Road Overlay, it was the intention of the Department to allow projecting signs and this was overlooked initially and the proposed amendment will allow them.

Chapter 25 requires clarification of swimming pool setbacks to distinguish between the side and/or rear lot line for swimming pool setbacks. Also in this section, wooden fences will be prohibited along the perimeter of a subdivision to provide for better views from arterial and collector roadways.

The proposed amendment will further clarify the Sign Ordinance that projecting signs will be allowed in the Carmel Drive/Range Line Road Overlay. This is being clarified in several different sections in the Sign Ordinance, including the Old Town Carmel Sign Ordinance. The amendment would reduce the square footage of subdivision construction signs from 64 to 32 square feet per sign and similarly, real estate signs would be reduced from 32 to 20 square feet for residential zones on lots larger than 5 acres; in business and manufacturing zones, for lots less than 10 acres and along US 31 and State Road 421 Overlays, real estate signs could be 20 square feet. Interim signage is being clarified pending a Permanent Sign section. The Department is proposing to add to the Use Table, restaurant uses to the B-7 and M-3 zones and remove the provisions for mining.

Members of the public were invited to speak in favor of the petition; no one appeared.

Members of the public were invited to speak in opposition to the petition; the following appeared:

**Joe Scimia**, attorney, Baker & Daniels, 600 East 96<sup>th</sup> Street, Indianapolis spoke in opposition to the petition on behalf of property owners Browning Investments and REI Real Estate Services. The section that deals with Chapter 23C, the 421 corridor Overlay is of particular note. Mr. Scimia asked that the proposed Ordinance be sent to sub-Committee for further review and discussion. The proposed amendment has tremendous consequences to his clients and there has not been sufficient time to review or comment on the proposed revisions. Retail uses and services are not clearly defined. The revision only applies to the B-3 Zone and not B-2 and is inconsistent with the stated purpose. There does not seem to be a reason or justification for the revisions, particularly in the Overlay Zone. There is also a question of legality—this seems to be the reverse of spot zoning.

**Joe Calderon**, attorney with offices at 600 East 96<sup>th</sup> Street, agreed with comments made by Joe Scimia and requested this item be sent to Committee for further review. Standards should be employed, but it is important that standards work from the developers' standpoint as well as the City standpoint. It would appropriate to send this item to Committee; participation from the development community is encouraged.

**Zeff Weis**, attorney, 3400 One American Square, spoke in opposition to the petition and felt that the disposition of this proposal should be to the appropriate Committee for consideration. Mr. Weis questioned the adequacy of notice to developers/property owners. Notice was published, but notice was not sent to anyone in particular. Mr. Weis spoke on behalf of Martin Marietta Materials. There

are on-going zoning issues dealing with the S-1 District and Martin Marietta. In this particular case, despite the fact that there has been on-going discussion on certainly a weekly basis but not a daily basis with a variety of people at the City level, no one brought to attention the fact it was the City's intent to modify the S-1 District to remove mining as a use permitted with a special permit. Martin Marietta should have received notice and did not. The City would be ill-advised to delete mining from the S-1 District and leave several hundred acres that are presently being mined by Martin Marietta in a district in a community where it is not permitted—it would be turned into a non-conforming use and the City could be potentially exposing itself to a claim for inverse condemnation. Mr. Weis said he would provide written comments for Committee discussion and response.

Department Response, Adrienne Keeling: The Department Staff has not asked for a Suspension of the Rules and fully expects to appear at the Subdivision Committee for further discussion.

Commission Comments:

Jerry Chomanczuk requested historical background on the issues and how they became “bundled up.” There seems to be a diversity of issues here. It almost looks as if we are killing stand-alone retail—how far does the zone go?

Adrienne Keeling responded that the zone extends from 106<sup>th</sup> Street to the County line. B-3 is the northern-most point and ends roughly at the Altum property where Michigan Road angles northwest and into Boone County.

Madeleine Torres asked what kind of notice is required on such a broad amendment proposal and why is this going to Subdivision Committee and not Special Studies.

Adrienne Keeling responded that the Subdivision Committee typically reviews Ordinance Amendments. Special Studies recently looked at the Parking Ordinance, but that was specifically due to Mark Rattermann's expressed interest in that item. Regarding Notice, the Department has adhered to the 10-day notice required by State Statute and it was published in the newspaper.

Mark Rattermann commented that he would like comments from the City attorney, et al to discuss the issue of whether or not the grandfathered uses of mining would be allowed to perpetuate, whether or not this is a taking, whether or not those kinds of issues will come forth.

Susan Westermeier suggested that certain sections of the proposed amendment be assigned to relevant subcommittees for review, since there are diverse issues such as mining, gates, to the Michigan Road corridor. Does this all have to be considered at one time? It is a lot to look at.

Adrienne Keeling responded that the proposal could be broken into several parts—all of the Chapters have been advertised and noticed, but it can be broken into separate ordinances.

Mark Rattermann suggested that the Commission function as a Committee of the whole in order to review this proposal.

**Docket No. 05120002 OA: Patch VI – Ordinance Amendment** was forwarded to the **Subdivision Committee** for further review on January 3, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

**I. Old Business**

**11. Docket No. 05080039 DP/ADLS: West Carmel Marketplace - Home Depot**

The applicant seeks site plan and building approval.

The site is southeast of 99th St. & Michigan Rd. and is zoned B-3/Business within the US 421 Overlay. Filed by Mary Solada of Bingham McHale for Home Depot.

Mary Solada, attorney with Bingham McHale appeared before the Commission representing the applicant. Also in attendance: David Thornquest, Regional Real Estate Manager for Home Depot, Jeff Nance, project architect, and Jim Peck, project civil engineer.

This project now meets the approval and has support of the surrounding neighborhood associations and signed commitments have been tendered. The commitments are the result of numerous meetings and negotiations with the neighbors, the committee, and the Department.

This particular Home Depot will be the only Home Depot in the State of Indiana. The brick is orange/red and does have tan stone with dryvitt accents. The garden center will be enclosed in the sense that there is brick around the base, decorative screen, brick cart corrals, the loading dock will be screened with a solid wall, and the lighting will be consistent with the lighting for the West Carmel Marketplace.

Recommendation of approval by the Special Studies Committee was contingent upon final landscape approval and that has now been received. The Urban Forester did note that due to the plantings that will be installed in planting boxes in the front, a certain type of soil needs to be utilized and will add approximately \$30,000 to the project costs.

A variance was received from the Board of Zoning Appeals to permit three signs and to have projections in the rear of 60 feet. There will be a substantial landscape area starting to the east and weaving its way to the south. Again, there is a landscape plan in the file that includes fencing and mounding, and the petitioner has agreed to abide by the plan.

Jerry Chomanczuk was complimentary of the petitioner in working with the neighbors to address their concerns regarding buffering, noise, and landscaping. The Committee voted three-one to recommend approval.

Department Report, Matt Griffin: There are no outstanding issues and the Department is recommending approval at this time.

Note: The petitioner submitted a sample of the orange/red brick to ensure the color of the brick of the building upon completion. The brick sample will be incorporated permanently into the file.

Jerry Chomanczuk made formal motion to approve **Docket No. 05080039 DP/ADLS, West Carmel Marketplace – Home Depot**, seconded by Mark Rattermann, **APPROVED** 10-0.

2I. **Docket No. 05030024 PP: Sweet Charity Estates**

The applicant seeks to plat 20 lots on 38.68 acres with the following subdivision waivers:.

The site is located at the 1303 West 116<sup>th</sup> Street and is zoned S1/Residential  
Filed by Paul Reis of Drewry Simmons Vornehm LLP for Nancy Irsay

**Docket No. 05110011 SW: 6.03.07—Cul-de-Sac Length**

To seek relief from the maximum permitted cul-de-sac length of 600 feet.

The site is located at the 1303 West 116<sup>th</sup> Street and is zoned S1/Residential  
Filed by Paul Reis of Drewry Simmons Vornehm LLP for Nancy Irsay

**Docket No. 05110013 SW: 6.03.19 —Access to Arterials, Parkways, and Collectors**

To seek relief from houses fronting collector streets/200 foot required separation from collector streets.

The site is located at the 1303 West 116<sup>th</sup> Street and is zoned S1/Residential  
Filed by Paul Reis of Drewry Simmons Vornehm LLP for Nancy Irsay

**Docket No. 05110014 SW: 6.05.07— Lots located adjacent to arterial, parkway, or collector streets.**

To seek relief from houses located adjacent to collector streets/200 foot required separation from collector streets.

The site is located at the 1303 West 116<sup>th</sup> Street and is zoned S1/Residential  
Filed by Paul Reis of Drewry Simmons Vornehm LLP for Nancy Irsay

Paul Reis, attorney with Drewry Simmons Vornehm LLP, 8888 Keystone Crossing, Suite 1200, Indianapolis appeared before the Commission representing the petitioner. There were several issues raised that were discussed with the Department and the Subdivision Committee. The most important issue was the utility easement and the landscape easement because they over-lapped. The easements have now been delineated and broken out and submitted to the Urban Forester and the Department and the easements have been approved.

This proposal is for a preliminary plat and it is very difficult to determine how to evaluate the waivers that are being requested. There are certain design issues but never other issues that the Committee regularly reviews when they look at the requested waivers. Because of that, the petitioner and the Committee reached an agreement as to certain conditions that would be agreed upon as a condition to the approval of the preliminary plat in connection with the waivers and future approval of a final plat and construction plan, should development ever take place on this site.

The conditions are as follows: The petitioner agreed/commits that the final plat for this subdivision will be prepared pursuant to this plat, and submitted to the full Plan Commission, including the Subdivision Committee, for review and approval. The Commission may request additional terms and conditions for approval of the final plat and specifically with respect to the subdivision waivers. The distinction is that normally, when a secondary or final plat comes through it does not go

through this group. However, because this is a preliminary, Mr. Reis felt it was important to have the entire Commission review this, should it go forward.

Secondly, as a part of the review and approval of the final plat, architectural design, landscaping, entry features and signage will be submitted to the full Commission and the Committee.

Finally, the petitioner agrees and commits that public notice will be given with respect to the submission and in consideration of the final plat in accordance with the Commission's Rules of Procedure.

Additionally, there is a statement of understanding that the petitioner is willing to put into the record. 1) A multi-use path will be considered as a part of the final plat design to link two parts of the subdivision that are separated by a very large common area. 2) Depending upon the future development of the parcel to the east, the former Hilbert estate, a stub street will be considered rather than a cul-de-sac for Williams Circle; this is connected to one of the waivers being requested—length of cul-de-sac. 3) All engineering comments that have been received in connection with the preliminary plat as well as any additional comments received from the City Engineer at the time of final plat will be considered and addressed as part of the final plat approval.

With these items and submittal, the petitioner believes he has met all of the concerns that have been raised by the Department as well as the Committee and the full Plan Commission.

Rick Ripma reported for the Subdivision Committee. Mr. Reis has been accurate in his summary—the Committee is comfortable with the agreements made by the Petitioner. The Committee had voted unanimously to recommend approval.

Department Comments, Matt Griffin: The applicant's Conditions and Statement of Understanding covers all of the Department concerns and approval is being recommended as forwarded by the Subdivision Committee.

Point of Clarification: The petitioner agrees to give notice to the adjoining neighbors at the final plat stage.

Mark Rattermann made formal motion to approve **Docket No. 05030024 PP, Sweet Charity Estates, together with Docket Nos. 05110011 SW, 6.03.07, cul-de-sac Length; 05110013 SW, 6.03.19 – Access to Arterials, Parkways and Collectors; and 05110014 SW, 6.05.07 – Lots located adjacent to arterial, parkway or collector streets, seconded by Rick Ripma, APPROVED 10-0.**

- 3I. **Docket No. 05100008 CPA: Comp Plan Amendment – Civic Design Policies**  
The applicant seeks to amend the Carmel/Clay Comprehensive Plan in order to add Civic Design policies.  
Filed by the Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing the applicant. Adrienne Keeling referred to a presentation made by Adam Thies regarding Civic Design. The Plan Commission and the Subdivision Committee have both had some questions regarding this document; therefore the Resolution has been drafted that will be attached to the approval and go before Council. The document lays out and clarifies some of the questions expressed; particularly note section one (1) on page one (1) of the Resolution. The Civic Design proposal would be adopted as part of the 20/20 Vision Comprehensive Plan with the understanding that the principles, recommendations, and maps contained within Civic Design serve to formally recognize the purpose and activities of the Carmel Urban Design Initiative. The adoption of Civic Design does not bind the Plan Commission or the Common Council to take steps toward its full or partial implementation, rather it is to propose to guide conversations and set positive examples of the ways in which the Carmel central core could evolve.

The main intent is to recognize and give formality to the Civic Design documents through the Plan Commission and the Carmel City Council.

Rick Ripma reported for the Committee. Most everyone liked this proposal, but Mr. Ripma was not in favor of a bus service in the central core of Carmel until Carmel is ready for it. Otherwise, the proposal is a good guide.

Kevin Heber said he liked the proposal and thought it summed up the philosophy nicely.

Rick Ripma made formal motion to forward **Docket No. 05100008 CPA, Comp Plan Amendment – Civic Design Policies** to the City Council with a positive recommendation, seconded by Mark Rattermann, Approved 10-0.

## **J. New Business**

### **1J. Docket No. 05120004 ADLS Amend: Medford Place – Signage**

The applicant seeks approval for a new sign package.

The site is located SE of 99th/Michigan Rd and is zoned B3, and is within the US 421 overlay.

Filed by Steven G. Hanscom for American Consulting, Inc.

Steve Hanscom, American Consulting, Inc., 7260 Shadeland Station, Indianapolis appeared before the Commission representing the applicant. The petitioner seeks approval for a new sign package.

The sign package approved was a channel letter sign that would appear as dark bronze during the day, and illuminated white at night. The petitioner is seeking to amend the previously approved package to a sign that is white translucent face during the day with black returns that would contrast itself against the signboard. The intent is that at night, the sign would be the same—translucent white, internally lit, channel letters.

The petitioner felt that the bronze did not really represent a retail usage.

Department Comments, Matt Griffin: The Department has no issues and is recommending approval after all comments and concerns have been fully addressed.

Rick Ripma moved for approval of **Docket No. 05120004 ADLS Amend: Medford Place – Signage**, as presented, seconded by Kevin Heber, **APPROVED** 10-0.

There was no further business to come before the Commission, and the meeting was adjourned at 8:15 PM.

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Leo Dierckman, President

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Ramona Hancock, Secretary